

**DECLARATION OF INVENTORSHIP and  
LIMITED POWER OF ATTORNEY**

As a below named inventor, I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled "Bymixer Apparatus and Methods for Fast-response, Adjustable Measurement of Mixed Gas Fractions in Ventilation Circuits" which is described and claimed in Application No. 10/530,602 filed April 7, 2005 for which a patent is sought. My residence, post office address and citizenship are as stated below next to my name.

I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to herein.

I acknowledge my duty under Title 37, Code of Federal Regulations § 1.56(a) to disclose information which is material to the patentability of the invention I am claiming.

☒ I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: U.S. PCT Patent Application No. PCT/US03/33072 filed on October 14, 2003 and U.S. Provisional Patent Application No. 60/417,892 filed on October 11, 2002.

As a named inventor and until I assign my rights to the invention, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith on my behalf: **Frank J. Uxa**, Reg. No. 25,612; **Donald E. Stout**, Reg. No. 34,493; **Robert D. Buyan**, Reg. No. 32,460; **Kenton R. Mullins**, Reg. No. 36,331; **Linda Allyson Fox**, Reg. No. 38,883; and **Greg S. Hollrigel, Ph.D.**, Registered Patent Agent, Reg. No. 45,374, all of the firm **STOUT, UXA, BUYAN & MULLINS, LLP**,. Send correspondence and direct telephone calls to: **Robert D. Buyan, Stout, Uxa, Buyan & Mullins, LLP, 4 Venture, Suite 300, Irvine, CA 92618**; telephone (949) 450-1750, facsimile (949) 450-1764, email: **rbuyan@patlawyers.com**.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that there statements

were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

1-50 Peter H. Breen, of , Irvine, California, a citizen of the U.S.A. Post office address: 6 Young Court,  
Irvine, CA ~~Avenue, Belmont, CA 92612~~ 92617

Signature:



Date:

10/19/05 ✓

Peter H. Breen

10/530602

Attorney Docket No.: UCIVN-024US

Rec'd PCT/PTO 14 NOV 2005 <sup>PATENT</sup>

Applicant: Peter H. Breen  
Serial No.: 10/530,602  
Filed: 04/07/05  
For: Bymixer Apparatus And Methods For Fast-Response, Adjustable  
Measurement Of Mixed Gas Fractions In Ventilation Circuits

Group: N/A  
Examiner: N/A

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Dear Sir:

The undersigned assignee of the entire interest Peter H. Breen in the above-identified subject application hereby appoints Robert D. Buyan, Reg. No. 32,460 as its attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71.

An assignment of the entire interest interest Peter H. Breen in the above-identified subject application:

[ ] was recorded on \_\_\_\_\_ at reel/frame \_\_\_\_\_ / \_\_\_\_\_.  
[ X ] is submitted herewith for recording.

Please direct all telephone calls to Robert D. Buyan at 949-450-1750 and all correspondence relative to said application to the following address:

Stout, Uxa, Buyan & Mullins, LLP  
4 Venture, Suite 300  
Irvine, CA 92618

Dated: October 19, 2005

ASSIGNEE: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA ✓

Signature: Linda S. Stevenson

Typed Name: Linda S. Stevenson

Title: Manager, Patent Prosecution

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